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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,157	12/11/2001	Christopher John Kimble	ROC920010264US1	6145
7590	06/22/2005		EXAMINER	
Gero G. McClellan Moser, Patterson & Sheridan, L.L.P. Suite 1500 3040 Post Oak Boulevard Houston, TX 77056-6582			EBRAHIMI DEHKORDY, SAEID	
		ART UNIT	PAPER NUMBER	
		2626		
DATE MAILED: 06/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/015,157	KIMBLE, CHRISTOPHER JOHN
	Examiner	Art Unit
	Saeid Ebrahimi-dehKordy	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 January 2005.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-36 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 27-36 is/are allowed.

6) Claim(s) 1-26 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

### **Response to Amendment**

1. Applicant's arguments with respect to claim 1-36 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keeney et al (U.S. patent 6,748,471) in view of Irons (U.S. patent 6,192,165) and further in view of Castello (U.S. patent 5,547,178)

Regarding claim 1 Kenney et al discloses: A method for affixing labels on a printed output medium for separating print jobs (please note column 7 lines 50-60 where each document assigned a file number) comprising: spooling at least one print file to a print queue (please note Fig.9 the spooling server 50 where the print jobs are being spooled to be sent to the printer). However Kenney et al do not disclose: executing a print label program for identifying a first page of each print job in the print queue; On the other hand Irons et al discloses: executing a print label program for identifying a first page of each print job in the print queue (please note column 8 lines 1-8 where the first page or any of the pages could receive labels). However neither Keeney et al nor Irons et al quite disclose: generating an identification label for each print job; wherein each identification label includes information specific to the respective print job in order to

distinguish separate print jobs and automatically affixing a label on the first page of each print job without user intervention. On the other hand Costello discloses: generating an identification label for each print job (please note column 13 lines 36-38 where the banner is generated for separation) wherein each identification label includes information specific to the respective print job in order to distinguish separate print jobs (please note column 13 lines 41-44 where the banner sheets clearly identifies the user's job, also note Figs.8 & 9 where banner sheet identifies the user name, printed date, page number and etc..) and automatically affixing a label on the first page of each print job without user intervention (please note column 13 lines 36-46 and specifically pages 36-37). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Keeney et al's invention according to the teaching of Irons, where Irons teaches the way the first page is detected and identified to be labeled for the purpose of identifying the job while Costello goes a step further and have the labeled page is done automatically as to make the process of affixing the information more optimized and faster.

Regarding claim 2 Irons discloses: The method of claim 1, wherein the affixing is performed contemporaneously as the first page of each print job prints (please note column 7 lines 65-67 and column 8 lines 1-8).

Regarding claim 3 Irons discloses: The method of claim 1, further comprising stacking each printed print job having the label affixed thereon in sequential order of printing (please note column 8 lines 1-15).

Regarding claim 4 Keeney et al disclose: The method of claim 1, wherein the generating comprises: identifying print source information; and printing the print source information on the labels prior to the affixing step (please note Fig.9 column 14 lines 46-67)

Regarding claim 5 Keeney et al disclose: The method of claim 4, wherein the identifying print source information comprises information selected from the group consisting of name of the person requesting the print job a node identifier, a workstation, date, time, file name, telephone extension, symbols, graphical images, and color codes (please note column 13 lines 35-43).

Regarding claim 6 Irons discloses: The method of claim 1, wherein the affixing step further comprises attaching the label of each print job along a margin of the first page of the printed output medium (please note column 7 lines 65-67 and column 8 lines 1-8).

Regarding claim 7 Irons discloses: The method of claim 6, wherein the attaching step further comprises aligning the label of each print job in a same region along the margin of each first page (please note column 7 lines 50-67).

Regarding claim 8 Irons discloses: The method of claim 6, wherein the attaching step further comprises staggering the label of each print along the margin of each first page (please note column 6 lines 55-65).

Regarding claim 9 Irons discloses: The method of claim 1, wherein affixing comprises attaching the label on a margin of the first page of each print job so that a

portion of the label extends over an edge of the respective first page (please note column 8 lines 1-8).

Regarding claim 10 Irons discloses: The method of claim 1, wherein the label has an adhesive backing (please note column 8 lines 1-6).

Regarding claim 12 Irons discloses: The computer readable medium of claim 11, wherein the affixing is performed contemporaneously as the first page of each print job prints (please note column 7 lines 65-67 and column 8 lines 1-8).

Regarding claim 13 Irons discloses: The computer readable medium of claim 11, further comprising stacking each printed print job having the label affixed thereon in sequential order of printing (please note column 8 lines 1-15).

Regarding claim 14 Keeney et al discloses: The computer readable medium of claim 11, wherein the operation further comprises generating the identification information and transmitting the identification information to the label affixing device (please note Fig.9 column 14 lines 46-67).

Regarding claim 15 Keeney et al disclose: The computer readable medium of claim 14, wherein the generating comprises: identifying print source information; and printing the print source information on the labels prior to the affixing step (please note Fig.9 column 14 lines 46-67).

Regarding claim 16 Keeney et al discloses: The computer readable medium of claim 15, wherein the identifying print source information comprises information selected from the group consisting of name of the person requesting the print job, a

node identifier, a workstation, date, time, file name, telephone extension, symbols, graphical images, and color codes (please note column 13 lines 35-43).

Regarding claim 17 Irons discloses: The computer readable medium of claim 11, wherein the affixing step further comprises attaching the label of each print job along a margin of the first page of the printed output medium (please note column 7 lines 65-67 and column 8 lines 1-8).

Regarding claim 18 Irons discloses: The computer readable medium of claim 17, wherein the attaching step further comprises aligning the label of each print job in a same region along the margin of each first page (please note column 7 lines 50-67).

Regarding claim 19 Irons discloses: The computer readable medium of claim 17, wherein the attaching step further comprises staggering the label of each print job along the margin of each first page (please note column 6 lines 55-65).

Regarding claim 20 Irons discloses: The computer readable medium of claim 11, wherein affixing comprises attaching the label on a margin of the first page of each print job so that a portion of the label extends over an edge of the respective first page (please note column 8 lines 1-8).

Regarding claim 21 Irons discloses: The computer readable medium of claim 11, wherein the label has an adhesive backing (please note column 8 lines 1-6).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 22-26 are rejected under 35 U.S.C. 103(a) as being obvious over Irons (U.S. patent 6,192,165) in view of Castello (U.S. patent 5,547,178)

Regarding claim 22 Irons discloses: A system for affixing labels on printed output medium for separating print jobs (please note column 7 lines 50-67 where the documents are separated by the file name and other information which is attached to the first page) comprising: at least one computer device (please note Fig.1 item 200) a printing device coupled to the at least one computer device (please note printer 202 on Fig.1) and a label affixing device coupled to the printing device for (please note Fig.1 item 202 which acts as both printer and label affixing device, column 6 lines 41-67) However Irons does not quite teach: for printing documents according to print jobs and automatically affixing labels on the printed document and a controller for controlling the label affixing device to affix a separate label to each separate printed document corresponding to a different print job so that the separate printed document can be visually distinguished from one another by their respective labels. On the other hand Castello teaches: for printing documents according to print jobs (please note Costello column 8 lines 16-32) and automatically affixing labels on the printed output medium (note castello column 13 lines 36) affixing device to affix a separate label to each separate printed document corresponding to a different print job so that the separate printed document can be visually distinguished from. One another by their respective labels (please note column 13 lines 36-38 where the banner is generated for separation

also note please note column 13 lines 41-44 where the banner sheets clearly identifies the user's job, also note Figs.8 & 9 where banner sheet identifies the user name, printed date, page number and etc.). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Irons's invention according to the teaching of Castello, where Castello teaches the way the first page is detected and identified to be labeled for the purpose of identifying the job while Costello goes a step further and have the labeled page is done automatically as to make the process of affixing the information more optimized and faster.

Regarding claim 23 Irons discloses: The system of claim 22, wherein the label affixing device affixes a label on a first sheet of a print job contemporaneously as the first sheet is printing (please note column 7 lines 65-67 and column 8 lines 1-8).

Regarding claim 24 Irons discloses: The system of claim 22, wherein the label affixing device affixes a label on a first sheet of a print job after the first sheet is printing (please note column 6 lines 55-65).

Regarding claim 25 Irons discloses: The system of claim 22, wherein each label is affixed along a margin of the first sheet of the print job (please note column 6 lines 55-65).

Regarding claim 26 Irons discloses: The system of claim 25, wherein a portion of the label extends over an edge of the respective first page (please note column 8 lines 1-8).

### **Allowable Subject Matter**

5. Claim 27-36 are allowed.

Applicant's arguments, see page 11 lines 1-6, filed 1/20/05, with respect to 27-36 have been fully considered and are persuasive. The rejection of 26-37 has been withdrawn.

Prior art of record specifically Irons and Castello fail to teach the label application device comprising a label print head disposed proximate the portion, a label mounting member disposed proximate the label print head and adapted to support a supply labels.

### Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### Contact Information

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (571) 272-7462.

The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached at (571) 272-7471.

**Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Or faxed to:**

(703) 872-9306, or (703) 308-9052 (for **formal** communications; please mark  
"EXPEDITED PROCEDURE")

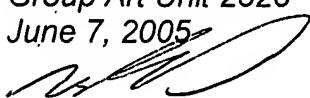
**Or:**

(703) 306-5406 (for **informal** or **draft** communications, please label  
"PROPOSED" or "DRAFT")

**Hand delivered responses** should be brought to Knox building on 501 Dulany Street, Alexandria, VA.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-4750.

Saeid Ebrahimi-Dehkordy  
Patent Examiner  
Group Art Unit 2626  
June 7, 2005



*Kimberly Williams*  
KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER

